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Attorneys for Plaintiff Mark Ward

MARK WARD, Plaintiff, - against - RAGEON, INC. Defendant.	Civil Case No. 1:19-cv-1935 (JPO) DECLARATION IN SUPPORT OF ATTORNEYS' FEES
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I, Robert Garson, declare under penalty of perjury that the following is true and correct based on my personal knowledge:

1. I am a partner at the law firm of Garson, Segal, Steinmetz, Fladgate LLP, counsel for Mark Ward ("Plaintiff"), in the above-captioned action. I submit this declaration, along with the Memorandum of Law and the prior pleadings heretofore in support of Plaintiff's motion for attorneys' fees.
2. This is an action to recover statutory damages and attorneys' fees as the result of RageOn's ("Defendant") willful copyright infringement of Plaintiff's work.
3. This action was commenced against Defendant by Summons and Complaint on March 1, 2019. Dkt. 1.
4. After a long discovery process, plagued with delay and unresponsiveness by Defendant, a short bench trial took place on January 13, 2020.

5. After trial, Judge J. Paul Oetken, found for Plaintiff against Defendant in the amount of \$60,000 in statutory damages under the Copyright Act, 17 U.S.C. §504(c), and the Defendant had willfully infringed Plaintiff's copyright. Dkt. 47.
6. On January 17, 2020, the Clerk of Court entered a judgment for \$60,000 in statutory damages under the Copyright Act, 17 U.S.C. §504(c). Dkt. 48.
7. In Your Honor's January 14, 2020 order, the Court required any motion for attorney's fees and costs be filed on or before January 27, 2020. Dkt. 47.
8. To date of filing, counsel for Plaintiff has spent 82.90 hours on this matter.
9. All work was performed by four (4) associates,¹ one (1) associate pending admission,² and two (2) partners,³ who, through the course of representing aggrieved copyright holders in dozens of litigations, have developed a specific understanding of copyright law, breaches thereof, and defenses thereto. Associates bill on this matter at an hourly rate of \$200 per hour and partners at an hourly rate of \$500, well below their customary rate. An itemized and contemporaneously prepared list of counsel's hours is attached hereto as **Exhibit**

A.

¹Associate work was performed by Kevin Kehrli, Esq., Andrea Timpone Esq., Morgan Romagna, Esq., and Jacob Pargament, Esq. Kevin Kehrli joined the firm in 2014, graduated from Brooklyn Law School in Spring 2014, and was admitted in 2015. Andrea Timpone joined the firm in 2017, graduated from Benjamin N. Cardozo School of Law, and was admitted in July 2018. Ms. Timpone left the firm in October 2019. Morgan Romagna joined the firm in 2019, graduated from Benjamin N. Cardozo School of Law, and was admitted in May 2019. Jacob Pargament joined the firm in 2019, graduated from Benjamin N. Cardozo School of Law, and was admitted in December 2019. The entries in Exhibit A that do not specifically reference an individual are those of Ms. Timpone.

²Maddie Brown graduated from Benjamin N. Cardozo School of Law in 2019, her admission is currently pending.

³Partner work was performed by Robert Garson, Esq., and Chris Fladgate, Esq. Both Mr. Garson and Mr. Fladgate founded the firm in 2010. Robert Garson graduated from The Inns of Court School of Law, received his LL.M. from Benjamin N. Cardozo School of Law in 2009, was admitted to the U.K. bar in 1999, and the New York bar in 2010. Chris Fladgate graduated from Monash University in Melbourne, Australia and received his LL.M. from University of Melbourne, Australia, and was admitted to the New York bar in 2003.

10. These hours include correspondence with Plaintiff, preparation of the Complaint, multiple conferences with the Court, settlement negotiations, and the drafting and execution of discovery, correspondence with the Court, preparing for and conducting trial.
11. Costs incurred thus far in bringing this action amount to \$2,837.20 to date, including the \$400 filing fee and \$69.00 for service of process. A true and correct copy of an itemized and contemporaneously prepared expense sheet is attached hereto as **Exhibit B**. We await the bill for the trial transcript.

Dated: January 27, 2020
New York, NY



Robert Garson

EXHIBIT A



INVOICE

INVOICE NUMBER: 3034

INVOICE DATE: JANUARY 27, 2019

FROM: Garson, Segal, Steinmetz, Fladgate LLP
164 West 25th Street Suite 11R
New York, NY 10001

TO: Ward, Debut Art
171 Livingstone Road
Surrey, CR7 8JZ

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JAN-24-19	Rageon (Part)	(Robert Garson) Research. Drafting DMCA takedown. Preparing other PDFs. Research on relevant sites. Email of necessary DMCA documents to AC for email to Rageon	1.00	\$500.00	\$500.00
FEB-06-19	Rageon (Part)	(Robert Garson) Online checking the sites to ensure that links are still up. Keeping client informed by email of progress.	0.50	\$500.00	\$250.00
FEB-24-19	Rageon (Part)	(Robert Garson) Drafting Complaint	3.30	\$500.00	\$1,650.00
FEB-28-19	Rageon (Part)	(Robert Garson) Finalizing all of the filings, final checks and filing.	1.90	\$500.00	\$950.00
MAY-06-19	Rageon (assoc)	(Andrea Timpone) Reviewing docket; Preparing and filing Notice of Appearance.	0.30	\$200.00	\$60.00
MAY-07-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello to schedule 26(f) conference	0.10	\$500.00	\$50.00
MAY-08-19	Rageon (Part)	(Robert Garson) Drafting ESI stipulated order and email of the same to opposing counsel. Review of online sites see that they are still up. Email to client to capture.	2.90	\$500.00	\$1,450.00
MAY-08-19	Rageon (Part)	(Robert Garson) Further email to B.Tufariello due to lack of response. Further emails to coordinate the conference.	0.30	\$500.00	\$150.00
MAY-09-19	Rageon (assoc)	(Andrea Timpone) Reviewing Complaint and Answer; Conference call with RG and opposing counsel B. Tufariello.	0.90	\$200.00	\$180.00
MAY-09-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello with screenshots showing continuing infringement.	0.30	\$500.00	\$150.00
MAY-09-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello attaching updated Case Management Order asking further on the draft ESI stipulation and asking questions which were asked on the phone but no answers were available in order tailor discovery.	0.20	\$500.00	\$100.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
MAY-14-19	Rageon (Part)	(Robert Garson) Review and check on whether infringing material is still up. Video of the same, collating further evidence.	0.30	\$500.00	\$150.00
MAY-15-19	Rageon (Part)	(Robert Garson) Ward v Rageon follow up email to B.T. regarding judge's rules, the order and seeking follow up in relations to the questions presented.	0.30	\$500.00	\$150.00
MAY-16-19	Rageon (Part)	(Robert Garson) Ward v Rageon: - emails with B.Tufariello regarding proposed changes to the case management plan. Further following ups on the failure to take down material and suggest a TRO being filed.	0.40	\$500.00	\$200.00
MAY-20-19	Rageon (Part)	(Robert Garson) Emails with B.Tufariello confirming eventual takedown of images.	0.20	\$500.00	\$100.00
MAY-21-19	Rageon (Part)	(Robert Garson) Ward v Rageon - court appearance for initial conference.	1.20	\$500.00	\$600.00
MAY-22-19	Rageon (Part)	(Robert Garson) Response to email on protective order after review of that which had been send. Further explanation as to ESI and agreement to have mediation and reminder fo lack of provision of agreed documents.	0.30	\$500.00	\$150.00
MAY-28-19	Rageon (assoc)	(Andrea Timpone) Drafting of Initial Disclosures, Interrogatories and Documentary Demands.	2.40	\$200.00	\$480.00
MAY-28-19	Rageon (Part)	(Robert Garson) Reviewing and amending Initial Disclosures, Interrogatories and Documentary Demands. Email of the same to B.Tufariello.	0.30	\$500.00	\$150.00
MAY-28-19	Rageon (Part)	(Robert Garson) Amending protective order and email of the same to B.Tufariello.	0.30	\$500.00	\$150.00
MAY-31-19	Rageon (assoc)	(Andrea Timpone) Receiving voicemail from Judge Freeman's Chambers to set up settlement conference; Emailing opposing counsel B. Tufariello re: same; Telephone call with Aeisha of Judge Freeman's Chambers to confirm; Emailing B. Tufariello re: same; Calendaring same.	0.50	\$200.00	\$100.00
JUN-04-19	Rageon (Part)	(Robert Garson) Review of Rageon initial disclosures and deficiencies.	0.30	\$500.00	\$150.00
JUN-05-19	Rageon (Part)	(Robert Garson) further review of initial disclosures and email to opposing counsel chasing and expressing issues with the disclosures.	0.30	\$500.00	\$150.00
JUN-06-19	Rageon (Part)	(Robert Garson) Following up email to B.Tufariello	0.10	\$500.00	\$50.00
JUN-11-19	Rageon (Part)	(Robert Garson) Telecon with Court regarding mediation and subsequent follow up via email to B.Tufariello.	0.60	\$500.00	\$300.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JUN-11-19	Rageon (Part)	(Andrea Timpone) Telephone call with Judge Freeman's clerk to provide dial-in information for teleconference; Reviewing course of settlement in proceeding; Teleconference with Judge Freeman, RG and opposing counsel B. Tufariello; Discussing discovery with RG.	1.60	\$500.00	\$800.00
JUL-01-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello to set up court conference.	0.10	\$500.00	\$50.00
JUL-01-19	Rageon (Part)	(Robert Garson) Further email to B.Tufariello reminding her of call with the Court. Opposing counsel did not have it in her diary,	0.20	\$500.00	\$100.00
JUL-02-19	Rageon (assoc)	(Andrea Timpone) Telephone call with Judge Freeman's chambers.	0.10	\$200.00	\$20.00
JUL-02-19	Rageon (Part)	(Robert Garson) Reviewing email from B.Tufariello regarding partial disclosures. Email in response indicating that the promised information was not attached,	0.50	\$500.00	\$250.00
JUL-02-19	Rageon (Part)	(Robert Garson) Mediation call with the Court.	0.80	\$500.00	\$400.00
JUL-03-19	Rageon (Part)	(Robert Garson) Reviewing email disclosure of Stripe Screens of purported users showing sales.	0.30	\$500.00	\$150.00
JUL-03-19	Rageon (Part)	(Robert Garson) Call to B.Tufariello offering terms of settlement and hearing response. Matter will not settle at this level.	0.20	\$500.00	\$100.00
JUL-08-19	Rageon (Part)	(Robert Garson) Conference calls with the Court on settlement	1.40	\$500.00	\$700.00
JUL-09-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello concerning settlement.	0.10	\$500.00	\$50.00
JUL-13-19	Rageon (Part)	(Robert Garson) Reviewing discovery provided on 7/13/19 and identifying deficiencies. Requesting meet and confer.	0.80	\$500.00	\$400.00
JUL-16-19	Rageon (assoc)	(Andrea Timpone) Conference call with RG and opposing counsel B. Tufariello.	0.30	\$200.00	\$60.00
JUL-16-19	Rageon (Part)	(Robert Garson) Ward v Rageon - meet and confer call with B.Turafiello regarding discovery deficiencies.	0.30	\$500.00	\$150.00
JUL-22-19	Rageon (Part)	(Robert Garson) Ward v RageOn - letter motion to court regarding discovery	1.30	\$500.00	\$650.00
JUL-30-19	Rageon (Part)	(Robert Garson) Drafting notice to admit and email to AT for proof read.	2.20	\$500.00	\$1,100.00
JUL-30-19	Rageon (Part)	(Robert Garson) Reviewing court order concerning discovery.	0.20	\$500.00	\$100.00
JUL-31-19	Rageon (assoc)	(Andrea Timpone) Reviewing and finalizing Notice to Admit; Serving on opposing counsel B. Tufariello.	0.80	\$200.00	\$160.00
JUL-31-19	Rageon (Part)	(Andrea Timpone) Email to B.Tufariello attaching notice to admit.	0.10	\$500.00	\$50.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
AUG-13-19	Rageon (Part)	(Robert Garson) Review of interrogatory and documentary responses. Email to B.tufariello that the responses are insufficient and in direct contravention with the Order of the Court.	0.80	\$500.00	\$400.00
AUG-14-19	Rageon (Part)	(Robert Garson) Emails with B.Tufariello regarding her travel plans and we are informed that their offices will be closed until August 26, 2019. We are asked to refrain from filing motions.	0.30	\$500.00	\$150.00
AUG-22-19	Rageon (assoc)	(Andrea Timpone) Reviewing Individual Rules of Judge Oetken, Defendant's first and second round of discovery responses; Drafting letter to Judge Oetken.	1.20	\$200.00	\$240.00
AUG-26-19	Rageon (assoc)	(Andrea Timpone) Reviewing Defendant's discovery responses, Fed. R. Civ. P. 33 and 37; Drafting Court letter; E-filing same via ECF.	1.60	\$200.00	\$320.00
AUG-29-19	Rageon (assoc)	(Andrea Timpone) Telephone call with RG re: B. Tufariello letter to the Court.	0.10	\$200.00	\$20.00
AUG-30-19	Rageon (Part)	(Robert Garson) Reviewing order to refer all discovery to magistrate judge.	0.10	\$500.00	\$50.00
SEP-03-19	Rageon (assoc)	(Andrea Timpone) Reviewing Individual Rules of Judge Freeman; Telephone call with Judge Freeman court clerk.	0.20	\$200.00	\$40.00
SEP-03-19	Rageon (Part)	(Robert Garson) Emails with B.Tufariello rejecting requests for extensions to file responses to admission as the 30 day period had long passed.	0.20	\$500.00	\$100.00
SEP-04-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello concerning dates for a call with the court.	0.10	\$500.00	\$50.00
SEP-10-19	Rageon (Part)	(Robert Garson) Conference call with B.Tufariello concerning outstanding discovery and admissions. They commit to responses by September 18, 2019.	0.30	\$500.00	\$150.00
SEP-11-19	Rageon (Part)	(Robert Garson) Emails from B.Tufariello requesting a further extension to respond to the interrogatories despite the order of the court.	0.20	\$500.00	\$100.00
SEP-12-19	Rageon (Part)	(Robert Garson) Conference call with the court regarding discovery disputes	0.60	\$500.00	\$300.00
SEP-12-19	Rageon (Part)	(Robert Garson) Email updating client	0.20	\$500.00	\$100.00
SEP-18-19	Rageon (Part)	(Robert Garson) Receipt of email from BT regarding settlement and DMCA. Research of the DMCA point and email back to BT.	0.30	\$500.00	\$150.00
SEP-20-19	Rageon (Part)	(Robert Garson) Reviewing materials from B.Tufariello concerning settlement.	0.20	\$500.00	\$100.00
SEP-24-19	Rageon (Part)	(Robert Garson) Emails to B.Tufariello with a counterproposal.	0.10	\$500.00	\$50.00
SEP-26-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello chasing settlement.	0.10	\$500.00	\$50.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SEP-27-19	Rageon (Part)	(Robert Garson) Reviewing materials to assist in settlement provided by Rageon. It is determined that the company is in decent health for its stage as a startup.	0.70	\$500.00	\$350.00
OCT-02-19	Rageon (Part)	(Robert Garson) Email to B.Tufariello with a counterproposal for settlement.	0.20	\$500.00	\$100.00
OCT-24-19	Rageon (Part)	(Robert Garson) Case management conference with the court. Additional time as opposing counsel was late.	1.60	\$500.00	\$800.00
NOV-07-19	Rageon (Part)	(Robert Garson) Emails to B.Tufariello regarding the letter to the Court in line with its direction. No substantive response.	0.20	\$500.00	\$100.00
NOV-07-19	Rageon (Part)	(Robert Garson) Drafting and filing letter to the court in accordance with the instructions of the court.	0.60	\$500.00	\$300.00
NOV-12-19	Teehelen	Fixed Fee			\$0.00
NOV-14-19	Rageon (Part)	(Robert Garson) Reviewing order fo the court concerning pretrial procedures.	0.20	\$500.00	\$100.00
DEC-12-19	Rageon (Part)	(Robert Garson) Emails with B.Turariello concerning Ward subpoenas, the exhibits.	0.20	\$500.00	\$100.00
DEC-18-19	Rageon (Part)	(Robert Garson) Conference call with the Court regarding the fact that Krilivsky has not been told of the trial date. B.Turariello request for an adjournment, opposed not granted. Motion in limine issues and video link of Ward discussed.	0.90	\$500.00	\$450.00
DEC-18-19	Rageon (Part)	(Robert Garson) Review of the joint pretrial statement. Emails with B.Tufariello and filing of the JPTO	0.50	\$500.00	\$250.00
DEC-19-19	Rageon (Part)	(Robert Garson) drafting pretrial memorandum of law and filing of the same.	2.90	\$500.00	\$1,450.00
DEC-29-19	Rageon (Part)	(Robert Garson) drafting oppositon to the motion in limine, filing with SDNY.	1.50	\$500.00	\$750.00
JAN-01-20	Rageon (Part)	(Robert Garson) Marking exhibits - reviewing deposition marking up for XX of Krilivsky et al.	1.20	\$500.00	\$600.00
JAN-02-20	Rageon (Part)	(Robert Garson) Further preparation for trial including summary of deposition from Feingold case.	0.40	\$500.00	\$200.00
JAN-06-20	Rageon (Part)	(Robert Garson) Drafting and emailing letter to chambers regarding electronic devices.	0.40	\$500.00	\$200.00
JAN-06-20	Rageon (Part)	(Robert Garson) Updating exhibit list and email of the same to B.Tufariello.	0.30	\$500.00	\$150.00
JAN-08-20	Rageon (Part)	(Robert Garson) Preparation for and appearing by telephone for final pretrial conference as ordered by Judge Oetken. Includes preconference emails to B.Turariello to confirm the best deal in numbers.	0.80	\$500.00	\$400.00
JAN-09-20	Rageon (assoc)	(Morgan Romagna) Ward v. Rage On notice of appearance preparation and filing	0.40	\$200.00	\$80.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JAN-09-20	Rageon (assoc)	(Morgan Romagna) exhibit prep together with another associate from the firm	1.60	\$200.00	\$320.00
JAN-09-20	Rageon (assoc)	(Morgan Romagna) Ward v. Rage On arranging for printed exhibits and organizing binders for court	0.70	\$200.00	\$140.00
JAN-09-20	Rageon (assoc)	(Morgan Romagna) Ward v. Rage On arranging, collating and sending documents to Printer for printing	0.50	\$200.00	\$100.00
JAN-10-20	Rageon (assoc)	(Morgan Romagna) exhibit prep and filing notice of appearance	2.60	\$200.00	\$520.00
JAN-10-20	Rageon (assoc)	Prepared exhibits for 01/13/2020	4.20	\$200.00	\$840.00
JAN-10-20	Rageon (Part)	(Robert Garson) Ward v Rageon witness trial preparation and Av liaison with the court	2.20	\$500.00	\$1,100.00
JAN-10-20	Rageon (Part)	(Robert Garson) Email and Call with B.Turariello to offer final Settlement	0.20	\$500.00	\$100.00
JAN-12-20	Rageon (Part)	(Robert Garson) Preparation of cross-examination for all witnesses identified on the joint pretrial order	3.80	\$500.00	\$1,900.00
JAN-13-20	Rageon (Part)	(Robert Garson) Attendance at trial	6.00	\$500.00	\$3,000.00
JAN-13-20	Rageon (Part)	(Robert Garson) Call to B.Turariello to discuss final settlement offer was rejected.	0.10	\$500.00	\$50.00
JAN-16-20	Rageon (Part)	(Chris Fladgate) Preparing for and attending trial before Judge Oetken; various discussions with client re: same.	5.50	\$500.00	\$2,750.00
JAN-27-20	Rageon (assoc)	(Jacob Pargament) research and draft memo for attnys fees motion, notice of motion, rg declaration, and associated exhibits	5.40	\$200.00	\$1,080.00
		Total hours for this invoice	82.90		
		Total amount of this invoice			\$34,310.00

EXHIBIT B

Date	Type	Description	Amount
02/04/2019	Website Purchase	Test purchase t-shirt	\$34.95
02/28/2019	Filing Fee	File complaint	\$400.00
03/05/2019	Service of Process	Service of process on Rageon	\$69.00
12/19/2019	Travel	Expert's U.S. Customs and Boarder Protection ESTA	\$14.00
12/23/2019	Expert Materials	Deliver Materials Original Certificate to Expert	\$10.44
01/09/2020	Printing	Printing materials for trial	\$85.46
01/09/2020 – 01/14/2020	Hotel Accommodations	Witness' hotel accommodations	\$1,471.08
01/09/2020 – 01/15/2020	Travel	Witness' parking at airport	\$108.36
01/09/2020 – 01/15/2020	Travel	Witness' travel insurance	\$73.68
01/09/2020 – 01/15/2020	Travel	Witness' roundtrip airfare	\$533.27
01/13/2020	Travel	Transportation to court	\$15.18
01/13/2020	Travel	Transportation from court	\$21.78
Total			\$2,837.20
		Court transcripts from hearing	TBD